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Date: 3/16/95 By: Deanna Costen

PATENT
16528J-000180 / 1000.182

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Stephen P.A. Fodor et al.

Serial No. 07/954,646

Filed: September 30, 1992

For: ARRAY OF OLIGONUCLEOTIDES
ON A SOLID SUBSTRATE
(As amended)

Examiner: L. Green

Art Unit: 1802

Date of Mailing of Notice
of Allowance and Issue

Fee Due: January 10, 1995

Issue Batch No.: H84

COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

**COMMUNICATION, CONDITIONAL PETITION UNDER 37 CFR 1.183
FOR WAIVER OF REQUIREMENTS UNDER 37 CFR 1.84,
PROPOSED AMENDMENT, AND TRANSMITTAL OF FORMAL DRAWINGS**

Sir:

The above-identified application is a Rule 60 Divisional application of USSN 07/492,462. In the parent application (USSN 07/492,462), a Petition Under 37 CFR 1.183 for Waiver of Requirements Under 37 CFR 1.84 and Proposed Amendment pertaining to color drawings was filed and granted. A copy of the Decision on Petition in which the petition was granted is attached hereto. Upon filing the present application, Applicants submitted a Preliminary Amendment in which they requested confirmation from the Examiner as to whether or not it would be necessary to file a separate petition for waiver in the present application (which was identical to the parent), insofar as the petition in the parent application was previously granted. In the Office Action mailed June 2, 1993, the Examiner stated "Approval granted in parent application 07/492,462 for suspending the requirements of 37 CFR 1.84 is carried forward" (emphasis added), thus obviating the need

for filing a separate petition for waiver in the present application.

However, in an abundance of caution, Applicants hereby submit a conditional petition under 37 CFR 1.183 for waiver of the requirements of 37 CFR 1.84, along with a proposed amendment to the specification pursuant to MPEP 608.02 (Color Drawings). If it is deemed that a separate petition is required, authorization is hereby given to charge the required fee of \$130.00 for filing this petition to Deposit Account No. 20-1430 (a duplicate of this conditional petition is enclosed for accounting purposes).

In conjunction with the above conditional petition for waiver, Applicants enclose herewith five sets of formal drawings, including the color drawings, which also incorporate the corrections and/or changes specified in the Notice of Draftsman's Patent Drawing Review attached to Paper No. 7 and referred to in the Notice of Allowability mailed January 10, 1995 for the above-identified application.

Applicants also request amendment of the specification as follows:

Page 1, line 2, insert the following paragraph:

--The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.--

Respectfully submitted,

TOWNSEND and TOWNSEND KHOURIE and CREW

Date: 3/16/95

By: Vern Norviel

Vern Norviel

Reg. No. 32,483

Enclosures:

1. Copy of Decision on Petition for Waiver
2. Five (5) sets of formal drawings
(including color drawings)

VN:dc

WORK/165283/000180.P09

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